

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AMANDA GESSNER, Plaintiff,)	C.A. No. 13-22 Erie
)	
v.)	
)	
LT. NIXON, et al., Defendants.)	District Judge Schwab Magistrate Judge Baxter

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

I. RECOMMENDATION

It is respectfully recommended that Plaintiff's motion for preliminary injunction and/or temporary restraining order [ECF No. 27] be denied for lack of personal jurisdiction over the persons that Plaintiff seeks to enjoin.

II. REPORT

Plaintiff initiated this action on January 22, 2013, by filing a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 against multiple employees of the Pennsylvania Department of Corrections employed at the State Correctional Institution at Cambridge Springs, Pennsylvania. Plaintiff is now incarcerated at the State Correctional Institution at Muncy, Pennsylvania ("SCI-Muncy"), which is within the jurisdiction of the United States District Court for the Middle District of Pennsylvania.

Presently pending before this Court is Plaintiff's motion for preliminary injunction and/or temporary restraining order, in which Plaintiff seeks an order of this Court enjoining officials at SCI-Muncy from harassing and retaliating against her. [ECF No. 200]. None of the officials in Plaintiff's motion are Defendants in this case. Thus, Plaintiff is asking this Court to

enjoin the actions of individuals who are not parties to this proceeding and who do not live or work within this Court's jurisdictional limits. This Court has no authority over the institution where Plaintiff is incarcerated (located within the Middle District of Pennsylvania) and no personal jurisdiction over the individuals working there. If Plaintiff wishes to bring a civil rights action against these individuals, she may do so by filing a separate action in the appropriate district. Accordingly, Plaintiff's motion for preliminary injunction [ECF No. 27] should be denied.

In accordance with the Federal Magistrates Act, 28 U.S.C. ' 636(b)(1), and Fed.R.Civ.P. 72(b)(2), the parties are allowed fourteen (14) days from the date of service to file written objections to this report and recommendation. Any party opposing the objections shall have fourteen (14) days from the date of service of objections to respond thereto. Failure to file objections will waive the right to appeal. Brightwell v. Lehman, 637 F. 3d 187, 193 n. 7 (3d Cir. 2011).

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge

Dated: September 18, 2013

cc: The Honorable Arthur J. Schwab
United States District Judge